

the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

(5) **LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.**—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs carried out by the Federal Highway Administration under section 402 shall apply to funds transferred under this subsection to the apportionment of section 402.

(i) **DEFINITIONS.**—For the purposes of this section, the following definitions apply:

(1) **MOTORCYCLE.**—The term “motorcycle” means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

(2) **MOTOR VEHICLE.**—The term “motor vehicle” has the meaning such term has under section 154¹ of this title.

(3) **PASSENGER VEHICLE.**—The term “passenger vehicle” means a motor vehicle which is designed for transporting 10 individuals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

(4) **SAFETY BELT.**—The term “safety belt” means—

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap shoulder belts.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$17,000,000 for fiscal year 1992. From sums made available to carry out section 402 of this title, the Secretary shall make available \$17,000,000 for fiscal year 1992 and \$24,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

(k) **APPLICABILITY OF CHAPTER 1 PROVISIONS.**—All provisions of this chapter that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.

(Added Pub. L. 102-240, title I, §1031(a)(1), Dec. 18, 1991, 105 Stat. 1970; amended Pub. L. 104-59, title II, §205(e), Nov. 28, 1995, 109 Stat. 577.)

¹ See References in Text note below.

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (c) and (i)(3), is the date of enactment of Pub. L. 102-240, which was approved Dec. 18, 1991.

Section 154 of this title, referred to in subsec. (i)(2), was repealed by Pub. L. 104-59, title II, §205(d)(1)(B), Nov. 28, 1995, 109 Stat. 577.

PRIOR PROVISIONS

A prior section 153, added Pub. L. 93-87, title II, §210(a), Aug. 13, 1973, 87 Stat. 287; amended Pub. L. 94-280, title I, §131, May 5, 1976, 90 Stat. 441, related to a program for the elimination of roadside obstacles, prior to repeal by Pub. L. 95-599, title I, §168(b), Nov. 6, 1978, 92 Stat. 2723.

AMENDMENTS

1995—Subsec. (h)(1), (2). Pub. L. 104-59 struck out “a law described in subsection (a)(1) and” after “have in effect”.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 205(e) of Pub. L. 104-59 provided that the amendment made by that section is effective Sept. 30, 1995.

EFFECTIVE DATE

Section effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as an Effective Date of 1991 Amendment note under section 104 of this title.

STUDY OF BENEFITS OF SAFETY BELTS AND MOTORCYCLE HELMETS TO INDIVIDUALS INVOLVED IN CRASHES

Section 1031(b) of Pub. L. 102-240 provided that:

“(1) **IN GENERAL.**—The Secretary shall conduct a study or studies to determine the benefits of safety belt use and motorcycle helmet use for individuals involved in motor vehicle crashes and motorcycle crashes, collecting and analyzing data from regional trauma systems regarding differences in the following: the severity of injuries; acute, rehabilitative and long-term medical costs, including the sources of reimbursement and the extent to which these sources cover actual costs; government, employer, and other costs; and mortality and morbidity outcomes. The study shall cover a representative period after January 1, 1990.

“(2) **REPORT.**—The Secretary shall make public a proposed report on the results of the study or studies conducted under this subsection, provide a period of 90 days for public comment on such report, consider such comments, and transmit to Congress a report on the results of such study or studies, together with a summary of such comments, not later than 40 months after the funds for such study are made available by the Secretary.

“(3) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal year 1992 or 1993 (or both) to carry out section 153 of title 23, United States Code, the Secretary shall make available \$5,000,000 in the aggregate in such fiscal years to carry out this subsection. Such funds shall remain available until expended.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 section 31104.

[§ 154. Repealed. Pub. L. 104-59, title II, § 205(d)(1)(B), Nov. 28, 1995, 109 Stat. 577]

Section, added Pub. L. 93-643, §114(a), Jan. 4, 1975, 88 Stat. 2286; amended Pub. L. 95-599, title II, §205, Nov. 6, 1978, 92 Stat. 2729; Pub. L. 97-35, title XI, §1108, Aug. 13, 1981, 95 Stat. 626; Pub. L. 100-17, title I, §174, Apr. 2, 1987, 101 Stat. 218; Pub. L. 102-240, title I, §1029(a), (b),

(e), (g), Dec. 18, 1991, 105 Stat. 1968–1970, established the national maximum speed limit.

EFFECTIVE DATE OF REPEAL

Repeal applicable to State on 10th day following Nov. 28, 1995, except that if legislature of State is not in session on such date and chief executive officer of State declares, before such 10th day, that legislature is not in session and that State prefers applicability date that is after date on which legislature will convene, repeal applicable to State on 60th day following date on which legislature next convenes, see section 205(d)(3) of Pub. L. 104–59, set out as an Effective Date of 1995 Amendment note under section 141 of this title.

STUDY OF COSTS AND BENEFITS TO STATES FROM REPEAL OF MAXIMUM SPEED LIMIT

Pub. L. 104–59, title III, §347, Nov. 28, 1995, 109 Stat. 616, provided that: “Not later than September 30, 1997, the Secretary, in cooperation with any State which raises any speed limit in such State to a level above the level permitted under section 154 of title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to Congress a study of—

- “(1) the costs to such State of deaths and injuries resulting from motor vehicle crashes; and
- “(2) the benefits associated with the repeal of the national maximum speed limit.”

§ 155. Access highways to public recreation areas on certain lakes

(a) The Secretary is authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

- (1) No portion of any access highway constructed or reconstructed under this section shall exceed thirty-five miles in length nor shall any portion of such highway be located more than thirty-five miles from the nearest part of such recreation area.
- (2) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved.

(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 75 per centum of the cost of construction or reconstruction of such project.

(c) All of the provisions of this title applicable to highways on the Federal-aid system (other than the Interstate System) determined appropriate by the Secretary, except those provisions which the Secretary determines are inconsistent with this section, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.

(d) For the purpose of this section the term “lake” means any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority, and any multipurpose lake resulting from construction assistance of the Soil Conservation Service, De-

partment of Agriculture. This section shall apply to lakes heretofore or hereafter constructed or authorized for construction.

(e) There is authorized to be appropriated not to exceed \$25,000,000 for the fiscal year 1976 to carry out this section. Amounts authorized by this subsection for a fiscal year shall be available for that fiscal year and for the two succeeding fiscal years.

(Added Pub. L. 93–643, §115(a), Jan. 4, 1975, 88 Stat. 2287; amended Pub. L. 95–599, title I, §129(e), Nov. 6, 1978, 92 Stat. 2708.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–599 substituted “75 per centum” for “70 per centum”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–599 effective with respect to obligations incurred after Nov. 6, 1978, see section 129(h) of Pub. L. 95–599, set out as a note under section 120 of this title.

APPROPRIATIONS; RESCISSION OF APPROPRIATIONS AUTHORIZATION

Pub. L. 94–134, title I, §101, Nov. 24, 1975, 89 Stat. 703, appropriated in part: “For necessary expenses not otherwise provided, to carry out the provisions of section 115(a), ‘Federal-Aid Highway Amendments of 1974 [this section]’; \$10,000,000, to remain available until September 30 1978: Provided, That any authority to incur obligations granted by section 115 of the Federal-Aid Highway Amendments of 1974 [subsec. (e) of this section] is hereby rescinded.”

§ 156. Income from airspace rights-of-way

Subject to section 142(f), States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title.

(Added Pub. L. 100–17, title I, §126(a), Apr. 2, 1987, 101 Stat. 167; amended Pub. L. 102–240, title I, §1027(f), Dec. 18, 1991, 105 Stat. 1967.)

REFERENCES IN TEXT

The date of the enactment of the Federal-Aid Highway Act of 1987, referred to in text, is the date of enactment of title I of Pub. L. 100–17, which was approved Apr. 2, 1987.

PRIOR PROVISIONS

A prior section 156, added Pub. L. 94–280, title I, §132(a), May 5, 1976, 90 Stat. 441, authorized the Secretary to construct or reconstruct any public highway or highway bridge across any Federal public works